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ORIGINAL

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September 1, 2000

SEP 1 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, DC 20554

Re: Ex Parte Statement
CC Docket No. 94-129 / Implementation of the Subscriber Carrier
Selection Changes Provisions of the Telecommunications Act of 1996,
Policies and Rules Concerning Changes of Consumers Long Distance
Carriers.

Dear Ms. Salas:

On Thursday, August 31, 2000, Susan Goodson and Hope Thurrott of SBC Communications Inc. met with Michele Walters, Dana Bradford, and Will Cox of the Common Carrier Bureau's Accounting Policy Division and Roy E. Kolly of the Consumer Information Bureau to discuss questions regarding the implementation of the First Order on Reconsideration in CC Docket No. 94-129, In the Matter of Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Changes of Consumers Long Distance Carriers.

SBC sought clarification of the FCC's expectations with regards to several implementation issues; including "no-fault" carrier changes, crediting processes, and general procedural issues. A copy of the outline used for this contact is attached.

Sincerely,

A handwritten signature in cursive script that reads "Susan Goodson".

Attachments

CC: Michele Walters
Dana Bradford
Will Cox
Roy E. Kolly

No. of Copies rec'd at 4
List ABCDE

Customer Not Paid

“No Fault” and B&C

- 1) SBC notified via CARE or inbound customer call
- 2) Carrier change is initiated
- 3) CARE record generated to notify the alleged authorized and unauthorized carriers
- 4) Change charge is assessed to the alleged unauthorized carrier
- 5) Customer credited for charges and recourses to the alleged unauthorized carrier per a B&C contract
- 6) Customer advised of right and process to file a complaint if not satisfied * *and that absolved charges may be rebilled if a complaint is not filed within 30 days*

August 31, 2000

Customer Not Paid

“No Fault” and No B&C

- 1) SBC notified via CARE or inbound customer call
- 2) Carrier change is initiated
- 3) CARE record generated to notify the alleged authorized and unauthorized carriers
- 4) Change charge is assessed to the alleged unauthorized carrier
- 5) Customer advised of right and process to file a complaint if not satisfied * *and that absolved charges may be rebilled if no complaint is filed in 30 days*

August 31, 2000

Customer Not Paid

Dispute Resolution and B&C

- 1) SBC notified via CARE or inbound customer call
- 2) Carrier change is initiated
- 3) CARE record generated to notify the alleged authorized and unauthorized carriers
- 4) Change charge is assessed to the alleged unauthorized carrier
- 5) Executing carrier credits the customer's bill and recourses charges to the alleged unauthorized carrier per a B&C contract
- 6) Customer advised of right and process to file a complaint if not satisfied, and that absolved charges may be rebilled if no complaint is filed within 30 days
- 7) Pursuant to a tariff, SBC can be asked to validate the LOA

August 31, 2000

Customer Not Paid

Dispute Resolution and No B&C

- 1) SBC notified via CARE or inbound customer call
- 2) Carrier change is initiated
- 3) CARE record generated to notify the alleged authorized and unauthorized carriers
- 4) Change charge is assessed to the alleged unauthorized carrier
- 5) Customer advised of right and process to file a complaint if not satisfied, and that the unauthorized carrier has the right to rebill if no claim is filed
- 6) Pursuant to a tariff, SBC can be asked to validate the LOA

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Customer Paid All Circumstances

- 1) SBC notified via CARE or inbound customer call
- 2) Carrier change is initiated
- 3) CARE record generated to notify the alleged authorized and unauthorized carriers
- 4) Change charge is assessed to the alleged unauthorized carrier
- 5) Customer advised of right and process to file a complaint if not satisfied

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Questions??

- Does “no fault” assume that a carrier has waived their right to challenge an allegation of slamming and therefore their right to re-bill? (see footnote 86)
- What is the impact to the process if the LEC is asked to validate the LOA?
- If SBC is the alleged slammer and determines that it cannot validate the LOA, and voluntarily credits the PAID customer 50% of their paid charges, will the credit count towards satisfying the 150% if a complaint is filed and determination made that there was a slam?
- If PAID customer is credited 100%, and files a complaint, can they be treated as “not paid”?
- How will the FCC handle complaints when the customer has already been made whole?

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Questions??

- May the executing and authorized carriers refer the customer to the unauthorized carrier?
- May an executing/B&C carrier credit a customer's bill, if the customer has PAID any charges, and no complaint has been filed?
- May the alleged unauthorized carrier advise the customer on the initial call that it has an LOA?
- Will the FCC hold "post-mortem" analysis in the future to determine the effectiveness of the rules?
- Does the proposed definition of "subscriber" include carriers; such as CLECs?

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